

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

FIRST REGULAR SESSION
SIXTIETH LEGISLATURE

ONE HUNDRED SIXTH LEGISLATIVE DAY
MONDAY, APRIL 27, 2009

Senate Chamber

President Little called the Senate to order at 10 a.m.

Roll call showed all members present except President Pro Tempore Geddes and Acting Senator Thorson, absent and formally excused by the Chair; and Senator Pearce, absent and excused.

Prayer was offered by Chaplain Henry Webb.

The Pledge of Allegiance was led by Whitney Schut, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of April 24, 2009, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

Senator Pearce was recorded present at this order of business.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

April 24, 2009

The JUDICIARY AND RULES Committee reports that [S 1204](#) and [S 1215](#) have been correctly enrolled.

DARRINGTON, Chairman

The President signed Enrolled [S 1204](#) and [S 1215](#) and ordered them transmitted to the House for the signature of the Speaker.

April 24, 2009

The JUDICIARY AND RULES Committee reports that Enrolled [S 1221](#) was delivered to the Office of the Governor at 10:20 a.m., April 24, 2009.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

April 24, 2009

The JUDICIARY AND RULES Committee reports that Enrolled [SCR 112](#) was delivered to the Office of the Secretary of State at 10:10 a.m., April 24, 2009.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

Messages from the Governor

April 27, 2009

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that I have appointed Robert C. Geddes of 7235 North 2600 West, Preston, Idaho 83263, to be Acting State Senator for Legislative District 31, Bear Lake, Bonneville, Caribou, Franklin & Teton Counties, State of Idaho.

This appointment is effective April 27, 2009, and will continue until such time as Senator Robert L. Geddes is able to resume his duties.

As Always - Idaho, *Esto Perpetua*
/s/ C.L. "Butch" Otter
Governor

THE OFFICE OF THE GOVERNOR
EXECUTIVE DEPARTMENT
BOISE, IDAHO
CERTIFICATE OF APPOINTMENT

KNOW ALL MEN, by these Presents, that pursuant to the provisions of Section 59-917, *Idaho Code*, Robert L. Geddes, State Senator, District 31, Bear Lake, Bonneville, Caribou, Franklin & Teton Counties, State of Idaho, has nominated Robert C. Geddes of Preston, Idaho, to perform the duties of this office temporarily as Acting State Senator, District 31, Bear Lake, Bonneville, Caribou, Franklin & Teton Counties.

NOW, THEREFORE, I, C.L. "Butch" Otter, Governor of the State of Idaho, by virtue of the authority vested in me do hereby appoint Robert C. Geddes to the office of State Senator, District 31, Bear Lake, Bonneville, Caribou, Franklin & Teton Counties, State of Idaho, for a term commencing on April 27, 2009, and continuing until such time as Senator Robert L. Geddes is able to resume his duties.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho.

Done at Boise, the Capital of Idaho, this Twenty-seventh day of April, in the year of our Lord two thousand nine and of the Independence of the United States of America, the two hundred thirty-second year.

/s/ BY THE GOVERNOR C.L. "BUTCH" OTTER
/s/ SECRETARY OF STATE BEN T. YSURSA

The correspondence and Certificate of Appointment were ordered filed in the office of the Secretary of the Senate.

The President announced that the Oath of Office had been administered previously to Acting Senator Geddes, and he was recorded present at this order of business.

April 24, 2009

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that I have signed today and am transmitting to the Secretary of the State the following Senate Bills, to wit:

[S 1165](#), [S 1167](#), [S 1169](#), [S 1185](#), and [S 1221](#)

As Always - Idaho, *Esto Perpetua*
/s/ C.L. "Butch" Otter
Governor of Idaho

The correspondence was ordered filed in the office of the Secretary of the Senate.

April 25, 2009

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I hereby advise you that I am returning to you, without my approval, disapproved and vetoed, the following Senate Bill, to wit:

[S 1175](#), as amended

within the time limited by law, the same having arrived in the Office of the Governor at the hour of 2:55 p.m. on April 20, 2009.

Throughout the course of my political career, I have been a strong advocate of grazing on public lands and state management of wildlife. I share the goal of this legislation—to support Idaho's domestic sheep grazing industry, which is an important part of Idaho's heritage and agricultural economy. However, I firmly believe the effect of this legislation will ultimately undermine the industry. Therefore, I am vetoing this bill.

[S 1175](#), as amended, will not change federal laws or decisions regarding bighorn sheep viability and grazing allotments on federal lands. Indeed, this legislation may actually weaken our authority to manage wildlife due to challenges from federal agencies or advocacy groups. When defending the interest of all Idahoans, we must be as certain as possible we are safeguarding them without the unintended consequences of damaging exactly what we intended to protect.

I recognize that [S 1175](#), as amended, is, at least in part, the result of decisions made by federal courts and the United States forest Service regarding domestic sheep grazing allotments. The Idaho sheep industry entered into an agreement with the State and Forest Service in 1997 regarding the future transplant of bighorn sheep near federal grazing allotments. Despite the good faith effort of the Idaho sheep industry and the State of Idaho when signing this agreement, federal decision makers are reducing and eliminating grazing allotments on federal land.

I will continue to request that the Forest Service work diligently to reduce the impact of the recent decisions to remove domestic sheep from grazing allotments on the Payette and Nez

Perce National Forests. The Forest Service, along with other federal land management agencies, must recognize the value of domestic livestock grazing as part of multiple use activities on public lands.

I have commissioned an advisory group with diverse membership to respond to the bighorn/domestic sheep challenge and to provide direction in the development of a statewide management plan for bighorn sheep. I am committed to seeing that collaborative process to completion. In this way, all stakeholders will participate in crafting a solution.

I will continue to work and am determined in finding a permanent solution for Idaho's domestic sheep industry. By working together, we will arrive at a better outcome for Idaho.

As Always - Idaho, *Esto Perpetua*
/s/ C.L. "Butch" Otter
Governor of Idaho

Senator Davis requested unanimous consent that [S 1175](#), as amended, be recommitted to the Resources and Environment Committee. Senator Kelly objected.

Moved by Senator Davis, seconded by Senator Stegner, that [S 1175](#), as amended, be recommitted to the Resources and Environment Committee.

The President announced that, by voice vote, the motion prevailed and [S 1175](#), as amended, was ordered recommitted to the Resources and Environment Committee.

The Senate advanced to the Ninth Order of Business.

Messages from the House

April 24, 2009

Dear Mr. President:

I transmit herewith Enrolled [H 187](#), as amended in the Senate, [H 195](#), [H 198](#), as amended, [H 218](#), as amended in the Senate, [H 258](#), as amended in the Senate, [H 267](#), as amended in the Senate, [H 314](#), [H 315](#), [H 316](#), [H 317](#), [H 318](#), [H 319](#), [H 320](#), [H 321](#), and [H 322](#) for the signature of the President.

ALEXANDER, Chief Clerk

The President signed Enrolled [H 187](#), as amended in the Senate, [H 195](#), [H 198](#), as amended, [H 218](#), as amended in the Senate, [H 258](#), as amended in the Senate, [H 267](#), as amended in the Senate, [H 314](#), [H 315](#), [H 316](#), [H 317](#), [H 318](#), [H 319](#), [H 320](#), [H 321](#), and [H 322](#) and ordered them returned to the House.

April 24, 2009

Dear Mr. President:

I return herewith Enrolled [S 1133](#) and [S 1184](#), which have been signed by the Speaker.

ALEXANDER, Chief Clerk

Enrolled [S 1133](#) and [S 1184](#) were referred to the Judiciary and Rules Committee for transmittal to the Office of the Governor.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

**Introduction, First Reading, and Reference of Bills,
House Petitions, Resolutions, and Memorials**

S 1233

BY FINANCE COMMITTEE

AN ACT

CLARIFYING THAT ANY REFERENCE TO THE IDAHO SCHOOL FOR THE DEAF AND THE BLIND SHALL MEAN THE BUREAU OF EDUCATIONAL SERVICES FOR THE DEAF AND THE BLIND; AND APPROPRIATING MONEYS TO THE BUREAU OF EDUCATIONAL SERVICES FOR THE DEAF AND THE BLIND FOR FISCAL YEAR 2010.

[S 1233](#) was introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

On request by Senator Davis, granted by unanimous consent, [S 1232](#) was referred to the Fourteenth Order of Business, General Calendar.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Kelly, by voice vote, the Senate adjourned at 11:52 p.m. until the hour of 9:30 a.m., Tuesday, April 28, 2009.

BRAD LITTLE, President

Attest: JEANNINE WOOD, Secretary